

**AMENDED COMPLAINT**  
(for filers who are prisoners without lawyers)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

(Full name of plaintiff(s))

Lee A. Brown 385934

v.

Case Number:

(Full name of defendant(s))

Michael Misner et al

21 cv 0542 bhl  
(to be supplied by Clerk of Court)

**A. PARTIES**

1. Plaintiff is a citizen of Wisconsin, and is located at  
(State)

Oshkosh Correctional Inst 1730 W Snell Rd Po Box 3310  
(Address of prison or jail) Oshkosh WI 54903

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Michael Misner  
(Name)

is (if a person or private corporation) a citizen of Wisconsin

- 3.) Defendant Kevin Carr secretary of the Department of corrections a citizen of Wisconsin.
- 4.) Defendant NP Bowens medical provider of Oshkosh corrections a citizen of Wisconsin.
- 5.) Defendant Hsu manager Fofana Health services Supervisor of Oshkosh Correctional Inst a citizen of Wisconsin.
- 6.) Defendant Dr Murphy special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.
- 7.) Defendant Dr Tannan special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.
- 8.) Defendant Dr Wheatley special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.

- 9) Defendant NP Hermes special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.
- 10) RN Feltz special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.
- 11) Defendant MPAA Giesler special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.
- 12) Defendant LT Schwebke special needs committee member of Oshkosh Correctional Inst a citizen of Wisconsin.
- 13) Defendant Department of Corrections medical director Jane/John Doe.
- 14) Defendant ADA coordinator of Oshkosh corrections Inst Jane/John Doe

Jane/John Does will be revealed at discovery.

(State, if known)  
and (if a person) resides at \_\_\_\_\_  
(Address, if known)  
and (if the defendant harmed you while doing the defendant's job)  
worked for The Department of Corrections Wisconsin  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On or about October 5 2020 the Plaintiff Brown  
Lee #385934 falls down stairs further injuring a  
pre-existing knee injury that required a secondary  
surgical procedure to repair a torn ACL. Brown was  
then seen by Dr Labby and placed on special needs  
which includes a wheelchair, crutches, low bunk, low  
tier as well as given an X-ray. Dr Labby  
determined the X-ray did not show any breaks  
or fractures but needed further testing for  
soft tissue injuries. Dr Labby refers Brown  
for physical therapy as well as an MRI.

On or about October 30 2020 Brown is then transferred to Oshkosh Correctional Inst and placed in the Restrictive Housing Unit in segregation. Brown was held in segregation for 94 days and denied any medical care for his injury. Brown made multiple inquiries and requests to Health services about his pain and the protrusion on his knee but he was never seen or treated.

On Jan 28 2021 ~~XXXXXX~~ Brown is released from segregation and moved to a penal unit to a cell with another inmate that has many disabilities requiring him to have physical implements such as walker/wheelchair. These obstructions as well as climbing to the top bunk caused Brown to fall while climbing over his cell mates walker/wheelchair to use the rest room. Brown was then taken to Kennedy Medical to see a orthopedic specialist for a knee surgery consult. Dr Tsai informs Brown that he needs knee surgery to correct the condition of his knee that causes him the debilitating pain



and the lack of physical mobility. Dr Tsai then informs Brown that the D.O.C will not permit the surgery as there is an age requirement and Brown is "Too young".

Brown has filed multiple complaints as required per policy. Brown has sought special needs committee accommodations as well as filed an ADA reasonable accommodation request. Brown has not seen his medical provider prior to or since the orthopedic consult. Brown has not received any documentation in regards to discuss or make any decisions pertaining to any reasonable alternative medical modes of treatment for Browns knee pain or injury.

The defendants are responsible to implement modify or stop policies and procedure executive; administrative directives and informal management procedures that regulate the standards of health and safety of inmates.

Despite the knowledge the defendants have of Browns serious medical needs the defendants failed to protect Brown from further harm and kept him in imminent danger by denying him reasonable accommodations or treatment.

Brown has made multiple attempts to inform and make aware the defendants obligation to provide medical care and or adequately treat his medical needs. The defendants fail and refuse to provide adequate medical care and therefore the defendants are deliberate indifference to Brown's serious medical need and border on malice and negligence.

At Present the defendants remain and fail to address Browns medical need and "turn a blide eye" to his pain and suffering. This continuous disregard of treatment results in unnecessary and wanton infliction of pain. The defendants intentionally deny and delay access to medical treatment is cruel and unusual. The unnecessary suffering Brown is subjected to cause's severe mental anguish by the stress of his physical deterioration and that which leads to the lack of ability to be active resulting in a decline of his over all health.

The defendants acts and omissions are sufficient and the serious medical need that has been diagnosed by a physician that mandates treatment is known by the defendants. The knowledge that Browns at serious risk for further harm and fail to prevent harm occurring is medical neglect and is not a form of lawful punishment. Therefore violates Browns 8<sup>th</sup> amendment rights.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

Injunctive relief pursuant to F.R.C.P. rule 65 (3) provide Brown with necessary accommodations to mitigate severe pain, injuries, exacerbation of known painful condition that creates suffering, irreparable harm. To provide Brown with quality of life.

Compensatory damages in the amount of \$250,000<sup>00</sup> as to each defendant

Punitive damages in the amount of \$100,000<sup>00</sup> as to each defendant



E. JURY DEMAND

I want a jury to hear my case.



YES

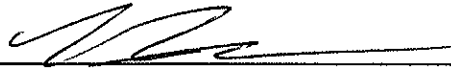


NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 30 day of May 2021.

Respectfully Submitted,



Signature of Plaintiff

Lee Brown.

385934

Plaintiff's Prisoner ID Number

Oshkosh Correctional Inst

Po Box 3310 Oshkosh WI 54903

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

Lee Anthony Brown  
385934  
Oshkosh Correctional Institution  
PO Box 3310  
Oshkosh, WI 54903-3310